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23117 7590 06/16/2008

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

SWARTZ, JAMIE H

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 06/16/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,319

07/07/2003

Myles C. S. Harrington

3594-14

4272

TITLE OF INVENTION: PROCESS AND APPARATUS FOR CONDUCTING AUCTIONS OVER ELECTRONIC NETWORKS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/16/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23117 7590 06/16/2008

NIXON & VANDERHYE, PC
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ARLINGTON, VA 22203

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,319 07/07/2003 Myles C. S. Harrington 3594-14 4272

TITLE OF INVENTION: PROCESS AND APPARATUS FOR CONDUCTING AUCTIONS OVER ELECTRONIC NETWORKS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/16/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
SWARTZ, JAMIE H	3694	705-035000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,319	07/07/2003	Myles C. S. Harrington	3594-14	4272
23117	7590	06/16/2008	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			SWARTZ, JAMIE H	
			ART UNIT	PAPER NUMBER
			3694	
DATE MAILED: 06/16/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 792 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 792 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/613,319	HARRINGTON ET AL.	
	Examiner	Art Unit	
	JAMIE H. SWARTZ	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the applicant's arguments/remarks filed 1/31/2008.
2. ☒ The allowed claim(s) is/are 189-203,205-212,214-217,220,221,224-233,243 and 245-247.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>3/4/2008</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Claims 189-198, 200-203, 205-212, 214-217, 220, 221, 224-233, 243 and 245-247 are allowed are currently pending. Claims 199, 204, 213, 222-223, 234-242, and 244 have been cancelled. Claims 189, 246, and 247 are currently amended.
2. The Rule 131 Declaration has been entered and considered.
3. An Examiner's Amendment appears here below:

Claims 189, 246, and 247 are amended.

Claims 199, 204, 213, 222-223, 234-242, and 244 have been cancelled.
4. The Authorization for this amendment to the claims was given verbally by the Applicant's Representative, Mr. Leonard Michard (29009) on May 2, 2008 and then again on May 28, 2008.

Examiner's Amendment

189. (Currently Amended) A computer-mediated method of conducting an auction of an interest-bearing financial instrument over the Internet,
wherein bidders can be in different physical locations and can simultaneously participate in the auction,
said bidders having access to web browsers,
said bidders' web browsers communicating over the Internet with at least one computer having auction software,
said method comprising:

- a) enforcing at least one standard bidders must satisfy to submit competing bids;
- b) enforcing at least one auction rule competing bids must satisfy;
- c) displaying the official auction time;
- d) receiving, over the Internet, bids from bidders using web browsers;
- e) enabling bidders to modify their bid inputs;
- f) permitting comparison of received bids; and
- g) providing information allowing for display of at least the best bid.

190. (Previously Amended) The method of claim 189 including conducting multiple auctions simultaneously.

191. (Previously Amended) The method of claim 189 including offering multiple instruments in the same auction.

192. (Previously Amended) The method of claim 189 wherein bidders may participate in a plurality of auctions simultaneously.

193. (Previously Amended) The method of claim 189 wherein bidders may bid more than one instrument in the same auction.

194. (Previously Amended) The method of claim 189 wherein bidders may bid more than one instrument in multiple auctions conducted simultaneously.

195. (Previously Amended) The method of claim 189 wherein bidders may bid portions of a single instrument.

196. (Previously Amended) The method of claim 189 wherein bidders register before submitting bids.

197. (Previously Amended) The method of claim 189 wherein bidders log in with an identification and password.

198. (Previously Amended) The method of claim 189 including providing bidders online access to offering documents.

Claim 199. (Canceled)

200. (Previously Amended) The method of claim 189 including providing a display that informs bidders of the time remaining in a bidding period.

201. (Previously Amended) The method of claim 189 wherein a bid improvement is made by submitting a lower bid.

Art Unit: 3694

202. (Previously Amended) The method of claim 189 wherein bid improvements are made in minimum increments.

203. (Previously Amended) The method of claim 189 wherein the lowest bid is the best bid.

Claim 204. (Canceled)

205. (Previously Amended) The method of claim 189 wherein bidders supply conditions to their bids.

206. (Previously Amended) The method of claim 189 wherein a bidder enters and modifies a bid without submitting it.

207. (Previously Amended) The method of claim 189 wherein a bidder confirms or acknowledges a bid after submission.

208. (Previously Amended) The method of claim 189 wherein a bidder may view at least the best bid during the bidding period and improve it.

209. (Previously Amended) The method of claim 189 wherein rank order of bids is displayed.

210. (Previously Amended) The method of claim 189 wherein status of a bidder's bid relative to other bids is displayed during the bidding period.

211. (Previously Amended) The method of claim 189 further including providing a means for bidders to confirm their intention to submit bids before their bids are treated as submitted.

212. (Previously Amended) The method of claim 189 further including performing, on behalf of bidders, calculations using bid related inputs.

Claim 213. (Canceled)

214. (Previously Amended) The method of claim 189 wherein the bidding period may be extended after bidding begins.

215. (Previously Amended) The method of claim 189 wherein information related to at least one bid submission such as time of submission is saved in a data log.

216. (Previously Amended) The method of claim 189 further including displaying an observation page from which to observe submitted bids.

Art Unit: 3694

217. (Previously Amended) The method of claim 189 further including releasing bidding results.

Claims 218-219. (Canceled)

220. (Previously Amended) The method of claim 189 wherein confirmation of winning bids may be delivered electronically.

221. (Previously Amended) The method of claim 189 wherein confirmation of winning bids may be delivered automatically.

Claims 222-223. (Canceled)

224. (Previously Amended) The method of claim 189 wherein said bidder inputs a price for said instrument.

225. (Previously Amended) The method of claim 189 wherein said bidder inputs an interest rate for said instrument.

226. (Previously Amended) The method of claim 189 wherein said bidder inputs a price and interest rate combination for said instrument.

227. (Previously Amended) The method of claim 189 wherein said bidder inputs a principal amount for said instrument.

228. (Previously Amended) The method of claim 189 wherein said bidder inputs a maturity date for said instrument.

229. (Previously Amended) The method of claim 189 wherein software such as Java applet code or plug-ins that implement certain auction related functions is delivered to bidders computers.

230. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to create and modify auction parameters.

231. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to regulate access to certain web pages.

232. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to authorize bidder participation.

233. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to set bid limitations for one or more bidders.

Art Unit: 3694

Claims 234 - 242. (Canceled)

243. (Previously Amended) The method of claim 189 further including communicating signals relating to said auction over a network at least in part using Hypertext Transfer Protocol

Claim 244. (Canceled)

245 (Previously Added). The method of claim 189 further including not allowing bidders to change said auction rules once bidding commences.

246. (Currently Amended) In a computer system for conducting an auction of at least one interest-bearing financial instrument over the Internet, said computer system being structured to receive bids from bidders' web browsers over the Internet, wherein the bidders can simultaneously participate in auctions from different physical locations, said computer system executing auction software stored on a storage device, said storage device storing:

first instructions that, when executed, receive bids over the Internet for at least one interest-bearing financial instrument from bidders using web browsers;

second instructions that, when executed, enforce at least one standard for bidders to satisfy before they can submit competing bids;

Art Unit: 3694

third instructions that, when executed, enforce at least one auction rule for competing bids to satisfy;

fourth instructions that, when executed, display the official auction time;

fifth instructions that, when executed, enable bidders to modify their bids;

sixth instructions that, when executed, permit comparison of received bids to facilitate determination of winning bids; and

seventh instructions that, when executed, provide information for displaying winning bids.

247. (Currently Amended) A computer system for mediating an auction of at least one interest- bearing financial instrument, said computer system being structured to receive bids from bidders using web browsers, wherein the bidders can be in different physical locations and can simultaneously participate in the auction, said computer system comprising:

means for enforcing at least one standard bidders must satisfy to submit competing bids;

means for enforcing at least one auction rule competing bids must satisfy;

means for displaying the official auction time;

means for receiving, over the Internet, bids from bidders using web browsers;

means for enabling bidders to modify their bid inputs;

means for permitting comparison of received bids; and

means for providing information allowing for display of at least the best bid.

Allowable Subject Matter

5. Claims 189-198, 200-203, 205-212, 214-217, 220, 221, 224-233, 243 and 245-247 are allowed.

6. The following is an examiner's statement of reasons for allowance: The closest prior art is Ausubel (US5905975). Ausubel teaches a computer-mediated method of conducting an auction of an interest-bearing financial instrument over the internet. However, the prior art date for Ausubel is January 2, 1997. Applicants have filed a rule 131 declaration stating that the subject matter disclosed and claimed in their patent before January 2, 1997.

7. The next closest prior art is Fisher et al. (US 6,243, 691), Liederman (1996), and Zandi (US 5,966,699). Though Fisher teaches a multi-person multi-location Internet auction. Liederman teaches using auction software over the World Wide Web. Zandi teaches conducting an electronic loan application auction over a computer network. However, Fisher, Liederman and Zandi or any combination thereof fail to teach:

- Displaying the official auction time including time remaining.
- Auction of interest-bearing financial instrument.
- Requiring auction software on each computer.
- Wherein a bid improvement is made by submitting a lower bid where the lowest bid is the best bid.

- Modification of bids without submitting them.
- Displaying the rank over of bids.
- Bidder inputs an interest rate and price combination.
- Bidder inputs a maturity date.

8. Applicants have overcome previously made 35 USC 112 1st paragraph rejections by pointing out where those portions were fully supported by the specification.

9. It appears that the instant invention is beyond the skill of one of ordinary skill in the art. Accordingly the invention would NOT have been obvious because one of ordinary skill could not have been expected to achieve it, NOR would they have been able to predict the results, and as such, they would have had no capability of expecting success.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is

Art Unit: 3694

(571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694